HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1338 of 2004 (SS)

Ajay Pal Singh Bhandari s/o Sri Hukam Singh Bhandari R/o Village & Post Kuthnour, District Uttarkashi ..... Petitioner

Versus

1. State of Uttaranchal
2. Deputy Director of Education, Garhwal Region, Pauri
3. District Education Officer, Uttarkashi.
4. Principal, Government Inter College, Ranageeth, District Uttarkashi ..... Respondents

Sri N.S. Pundir, Advocate for the petitioner
Standing counsel for the respondents.

Dated: 28.8.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents to consider the petitioner for promotion on the post of junior clerk, in Government Inter College Rana Geeth, District Uttarkashi.

According to the petitioner he was appointed on Class IV post in Government Inter College Rana Geeth on 30.1.1991. On 23.8.1991 a post of Junior Clerk fell vacant at that college due to the transfer of one Mr. Jagmohan Singh, Junior Clerk. The charge of junior clerk was given to the petitioner and he continued to discharge the duty of junior clerk. According to the petitioner he was given salary in the pay scale of 950-1500 with effect from 28.2.92 to 1.3.95 but thereafter pay of the post of Junior clerk is not being given to him. The grievance of the petitioner is that inspite of the fact that the petitioner till date is regularly performing the duty of the post of Junior Clerk along

with the regular duty of Class IV employee but he is not being paid the salary of the post of clerk.

Counter affidavit has been filed by the respondents. The respondents have admitted that the petitioner had worked as junior clerk from 1.3.1992 to 28.5.1995 for which he had been paid but subsequently his promotion was found dehors to the rules and the Deputy Director of Education, Pauri Garhwal has set aside the order and the petitioner was reverted back to his original post of Chawkidar.

In view of the observations made by the Apex Court in the case Secretary, State of Karnatak vs. Umadevi (2006) 4 SCC 1, no mandamus can be issued for regularisation of the service of the petitioner as junior clerk. However, liberty is given to the petitioner to prefer a representation before the appropriate authority for the payment of salary due to the petitioner for the period for which he has worked as Junior clerk, within a month after obtaining the certified copy of this order, who shall dispose of the same in accordance with rules within a period of two months.

Accordingly, writ petition is disposed of. No order as to costs.

Dated: 28.8.2006 **Rajesh Tandon, J.**

*Dhyani